

This record is a partial extract of the original cable. The full text of the original cable is not available.

110858Z Apr 05

C O N F I D E N T I A L RANGOON 000426

SIPDIS

STATE FOR EAP/BCLTV; PACOM FOR FPA

E.O. 12958: DECL: 03/20/2015

TAGS: [PGOV](#) [PREL](#) [MARR](#) [BM](#)

SUBJECT: SENTENCING BEGINS FOR KHIN NYUNT'S MILITARY INTELLIGENCE CRONIES

Classified By: COM Carmen Martinez for Reasons 1.4 (b,d)

1. (C) Summary: Military Intelligence officials who were arrested along with former Prime Minister Khin Nyunt are beginning to receive prison sentences. Some reported sentences appear to be exaggerated, but the officials are being charged for violations with penalties ranging from 5 years to life in prison. A note reportedly smuggled out of prison from Khin Nyunt's personal security officer has resulted in the arrests of five persons. End Summary.

2. (U) Both foreign and Burmese media reported last week that the secretive trials of cronies of former Prime Minister Khin Nyunt are beginning to result in sentences. The highest-level official to be sentenced thus far is Brigadier General Thein Swe, former head of the foreign relations section of the now defunct military intelligence apparatus known as MI, and the chairman of The Myanmar Times English language newspaper. His son Sonny Swe, part owner of The Myanmar Times, received a 14-year sentence for violating censorship laws. In addition, legal sources report that Brigadier Than Tun has been sentenced to one 14-year and three life sentences. (Note: In Burma a life sentence is equivalent to 20 years in prison. End Note.)

3. (SBU) Brig Gen Thein Swe was closely involved with the U.S. remains recovery missions before he was arrested. He facilitated the successful remains recovery mission that was carried out near Myitkyina, Kachin State, in February 2004. He was also involved in similar missions and investigations in the Myitkyina area in March 2003 (unsuccessful mission), November 2003 (investigation), and October 2004 (investigation). He frequently met with DAO to coordinate remains recovery activities.

4. (SBU) Rangoon legal sources claim that the reported cumulative 152-year sentence for Thein Swe is exaggerated; noting that only certain high security violations carry sentences of over 7 years and a life sentence is only 20 years. The claim of multiple 38-year sentences is considered legally "out of line." Local sources indicate that Rangoon divisional court judges are continuing to hold the special tribunals at Insein Jail for additional sentencing. Two tribunals, reserved for Khin Nyunt and his family, have yet to commence.

5. (SBU) The MI officials are reportedly being charged under six acts, including high treason, foreign currency, export and import, censorship, and other violations. The penalties under these acts range from 5 years to life imprisonment.

6. (C) In a related development, the wife of Khin Nyunt's personal security officer, Major Naing Htay, recently wrote a confession on behalf of her husband and asked for his pardon. Maj Gen Myint Swe, head of the Military Affairs Service, which replaced MI in the fall of 2004, reportedly met the wife and asked if this was her idea or if it really came from her husband. She said it was her husband's wish and to prove it she produced a two-line note that he had smuggled out of jail. As a result of this security breach, four Special Branch police officials and a driver have been arrested and are reportedly under trial in Insein Jail.

Martinez